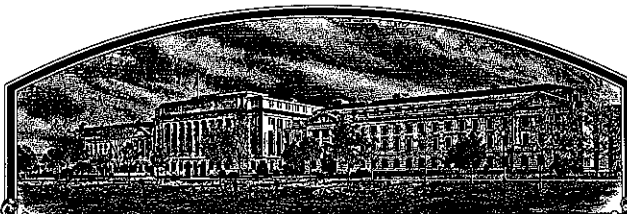


No.

9200208



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Jacob Hartz Seed Company, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY, AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (1930, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'H5088'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this 31st day of October in the year of our Lord one thousand nine hundred and ninety-four.

Attest

Kenneth H. Evans

Commissioner

Plant Variety Protection Office
Agricultural Marketing Service

Mike Esny
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions on reverse)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2132). Information is held confidential if certificate is issued (7 U.S.C. 2142).

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate)		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO.		3. VARIETY NAME	
JACOB HARTZ SEED CO., INC.		H85-874		H5088	
4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP)		5. PHONE (include area code)		FOR OFFICIAL USE ONLY	
P.O. BOX 946 STUTTGART, AR 72160		(501) 673-8565		PVPO NUMBER	
6. GENUS AND SPECIES NAME		7. FAMILY NAME (Botanical)		Date	
GLYCINE MAX		LEGUMINOSEA		June 10, 1992	
8. CROP KIND NAME (Common Name)		9. DATE OF DETERMINATION		Time	
SOYBEAN		OCTOBER 1990		4:00 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.)		11. IF INCORPORATED, GIVE STATE OF INCORPORATION		Filing and Examination Fee:	
CORPORATION		DELAWARE		\$ 2150.00	
12. DATE OF INCORPORATION		13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS		Date	
1984		DR. CURTIS WILLIAMS JACOB HARTZ SEED CO., INC. P.O. BOX 946 STUTTGART, AR 72160		June 10, 1992	
14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow INSTRUCTIONS on reverse)		PHONE (include area code):		Certificate Fee:	
<input checked="" type="checkbox"/> Exhibit A, Origin and Breeding History of the Variety <input checked="" type="checkbox"/> Exhibit B, Novelty Statement. <input checked="" type="checkbox"/> Exhibit C, Objective Description of Variety. <input type="checkbox"/> Exhibit D, Additional Description of Variety. <input checked="" type="checkbox"/> Exhibit E, Statement of the Basis of Applicant's Ownership. <input checked="" type="checkbox"/> Seed Sample (2,500 viable untreated seeds). Date Seed Sample mailed to Plant Variety Protection Office 6-5-92 <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,150) made payable to "Treasurer of the United States."		501-673-8565		\$ 250.00	
15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See section 83(a) of the Plant Variety Protection Act.)		16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?		17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?	
<input type="checkbox"/> YES (If "YES," answer items 16 and 17 below) <input checked="" type="checkbox"/> NO (If "NO," skip to item 18 below)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
18. DID THE APPLICANT(S) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.?		19. HAS THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETING IN THE U.S. OR OTHER COUNTRIES?			
<input type="checkbox"/> YES (If "YES," through <input type="checkbox"/> Plant Variety Protection Act <input checked="" type="checkbox"/> NO		<input type="checkbox"/> YES (If "YES," give names of countries and dates) <input checked="" type="checkbox"/> NO			
20. The applicant(s) declares that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.					
The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believes that the variety is distinct, uniform, and stable as required in section 41, and is entitled to protection under the provisions of section 42 of the Plant Variety Protection Act.					
Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF APPLICANT (Owner(s))		CAPACITY OR TITLE		DATE	
Curtis Williams		Director and Chief Scientist		June 5, 1992	
SIGNATURE OF APPLICANT (Owner(s))		CAPACITY OR TITLE		DATE	
		Proprietary Soybeans and Cotton			

INSTRUCTIONS

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed Exhibits A,B,C,E; (3) at least 2,500 viable untreated seeds; (4) check, drawn on a U.S. bank, payable to "Treasurer of the United States" in the amount of \$2,150 (\$250 filing fee and \$1,900 examination fee). (See section 180.175 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for 30 days, then returned to the applicant as unfilled. Mail application and other requirements to: Plant Variety Protection Office, AMS, USDA, Rm. 500, NAL Building, 10301 Baltimore Blvd., Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the Application are self-explanatory unless noted below. Corrections on the Application form and Exhibits must be initialed and dated. DO NOT use masking materials to make corrections. If a Certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$250 for issuance of the Certificate.

Plant Variety Protection Office

Telephone: 301/344-2518-

504-5518

ITEM

9. Give the date when there has been at least a tentative determination that the variety has been sexually reproduced with recognized characteristics, whether or not the novelty of those characteristics has been determined. [See section 41(d) of the Plant Variety Protection Act (Act).]
- 14a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability. (See sections 41 and 52 of the Act.)
- 14b. Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons which clearly indicate novelty.
- 14c. Exhibit C forms are available from the PVPO; specify crop kind. Fill in the Exhibit C (Objective Description of Variety form) to describe your variety.
- 14d. Optional additional characteristics and/or photographs: Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 14e. Section 52(4) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. The applicant may be the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.
15. If "Yes" is specified (*seed of this variety be sold by variety name only as a class of certified seed*), the applicant may NOT reverse this affirmative decision after the variety has either been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified the applicant may change the choice. (See section 180.16 of the Regulations and Rules of Practice.)
19. See sections 41 (i, j) and 42 of the Act and section 180.7 of the Regulations and Rules of Practice for eligibility requirements.

NOTES:

It is the responsibility of the applicant/owner to keep the PVPO informed of any change of address or change of ownership or assignment during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment is \$25. [See section 101 of the Act, and sections 180.130, 180.131, 180.132, and 180.175(h) of the Regulations and Rules of Practice.]

To avoid conflict with other variety names in use, the applicant should check the variety names proposed by contacting: Seed Branch, AMS, USDA, Rm. 213, Building 306, Beltsville Agricultural Research Center -- East, Beltsville, MD 20705. Telephone: 301/344-2089--

504-8089

EXHIBIT A
ORIGIN AND BREEDING HISTORY
H5088

SUMMER 1982 ORIGINAL CROSS MADE AT STUTTGART, ARKANSAS.
CROSS NUMBER WAS 82165
PARENTS = H76-558 X H79-2410

H76-558 = FORREST X MACK

H79-2410 = D70-3115 X L70-4629
D70-3115 = D64-4936 X PICKETT 71
D64-4636 = HILL X D58-3311
D58-3311 = JACKSON (4) X D49-2491
D49-2491 = S100 X CNS

L70-4629 = L12 X L62-1579
L12 = CLARK ISOLINE WITH Rps1, rpx, AND YELLOW HILUM
L62-1579 = CLARK X T204 (L48-101)
T204 = T136 X T122
T136 = PI88.351 X ROKUSUN
T122 = UNKNOWN

WINTER 1982-83 F1 ADVANCED TO F2 IN GREENHOUSE AT STUTTGART, AR.

SUMMER 1983 F2 ADVANCED TO F3 BY MODIFIED SINGLE SEED DESCENT
AT STUTTGART, AR.

WINTER 1983-84 F3 AND F4 ADVANCED TO F5 BY MODIFIED SINGLE SEED
DESCENT IN BELIZE, C.A.

SUMMER 1984 F5 GROWN AT STUTTGART, AR.

SUMMER 1985 F6 GROWN AT STUTTGART, AR., IN PLANT ROWS, SELECTED
ROW DESIGNATED 874.

SUMMER 1990 GREW F2 ACRE INCREASE AT STUTTGART, AR.

WINTER 1990-91 GREW A 30 ACRE INCREASE IN COSTA RICA, C.A.

SUMMER 1986-91 YIELD TESTED IN HARTZ SEED COMPANY TEST IN AR, MO, TN,
LA, MS, GA AND SC, AND SCREENED FOR DISEASE AND
NEMATODES, AT STUTTGART, AR.

SUMMER 1991 GREW SEED INCREASE, STUTTGART, AR.

EVIDENCE OF STABILITY - H5088 is stable and uniform within commercially acceptable limits as indicated by observation of three years of disease screening trials, yield tests and seed increase plots.

KINDS OF VARIANTS - PLANTS WITH OVATE LEAFLETS AND TAN POD WALLS WITH EITHER WHITE OR PURPLE FLOWERS OCCUR IN A FREQUENCY OF ABOUT 0.002% (6 SEED PER POUND). PLANTS WITH LANCEOLATE LEAFLETS, BROWN POD WALLS AND GRAY PUBESCENCE WITH WHITE OR PURPLE FLOWERS PRODUCING SEED WITH BUFF OR BROWN HILA OCCUR AT A FREQUENCY OF ABOUT 0.002% .

EXHIBIT B

NOVELTY STATEMENT

To my knowledge 'H5088' most closely resembles 'FORREST'.

Differences include:

'H5088' has lanceolate leaflets and brown pod walls while 'Forrest' has ovate leaflets and tan pod walls.

OBJECTIVE DESCRIPTION OF VARIETY
SOYBEAN (*Glycine max* L.)

NAME OF APPLICANT(S) JACOB HARTZ SEED CO., INC. CURTIS WILLIAMS	TEMPORARY DESIGNATION H85-874	VARIETY NAME H5088
ADDRESS (Street and No., or R.F.D. No., City, State, and Zip Code) P.O. BOX 946 STUTTGART, AR 72160		FOR OFFICIAL USE ONLY PVPO NUMBER 9200208

Choose the appropriate response which characterizes the variety in the features described below. When the number of significant digits in your answer is fewer than the number of boxes provided, place a zero in the first box when number is 9 or less (e.g.,). Starred characters ★ are considered fundamental to an adequate soybean variety description. Other characters should be described when information is available.

1. SEED SHAPE:



1 = Spherical (L/W, L/T, and T/W ratios = < 1.2)
3 = Elongate (L/T ratio > 1.2; T/W = < 1.2)

2 = Spherical Flattened (L/W ratio > 1.2; L/T ratio = < 1.2)
4 = Elongate Flattened (L/T ratio > 1.2; T/W > 1.2)

★ 2. SEED COAT COLOR: (Mature Seed)

1 = Yellow 2 = Green 3 = Brown 4 = Black 5 = Other (Specify) _____

3. SEED COAT LUSTER: (Mature Hand Shelled Seed)

1 = Dull ('Corsoy 79'; 'Braxton') 2 = Shiny ('Nebsoy'; 'Gasoy 17')

★ 4. SEED SIZE: (Mature Seed)

Grams per 100 seeds

★ 5. HILUM COLOR: (Mature Seed)

1 = Buff 2 = Yellow 3 = Brown 4 = Gray 5 = Imperfect Black 6 = Black 7 = Other (Specify) _____

★ 6. COTYLEDON COLOR: (Mature Seed)

1 = Yellow 2 = Green

★ 7. SEED PROTEIN PEROXIDASE ACTIVITY:

1 = Low 2 = High

★ 8. SEED PROTEIN ELECTROPHORETIC BAND:

1 = Type A (SP1^a) 2 = Type B (SP1^b)

★ 9. HYPOCOTYL COLOR:

1 = Green only ('Evans'; 'Davis') 2 = Green with bronze band below cotyledons ('Woodworth'; 'Tracy')
3 = Light Purple below cotyledons ('Beeson'; 'Pickett 71')
4 = Dark Purple extending to unifoliate leaves ('Hodgson'; 'Coker Hampton 266A')

★ 10. LEAFLET SHAPE:

1 = Lanceolate 2 = Oval 3 = Ovate 4 = Other (Specify) _____

9200208

11. LEAFLET SIZE:

☒ 21 = Small ('Amsoy 71'; 'A5312')
3 = Large ('Crawford'; 'Tracy')

2 = Medium ('Corsoy 79'; 'Gasoy 17')

12. LEAF COLOR:

☒ 21 = Light Green ('Weber'; 'York')
3 = Dark Green ('Gnome'; 'Tracy')

2 = Medium Green ('Corsoy 79'; 'Braxton')

★ 13. FLOWER COLOR:

☒ 1

1 = White

2 = Purple

3 = White with purple throat

★ 14. POD COLOR:

☒ 2

1 = Tan

2 = Brown

3 = Black

★ 15. PLANT PUBESCENCE COLOR:

☒ 2

1 = Gray

2 = Brown (Tawny)

16. PLANT TYPES:

☒ 2

1 = Slender ('Essex'; 'Amsoy 71')

3 = Bushy ('Gnome'; 'Govan')

2 = Intermediate ('Amarcor'; 'Braxton')

★ 17. PLANT HABIT:

☒ 1

1 = Determinate ('Gnome'; 'Braxton')

3 = Indeterminate ('Nebsoy'; 'Improved Pelican')

2 = Semi-Determinate ('Will')

★ 18. MATURITY GROUP:

☐ 0 ☒ 8

1 = 000

2 = 00

3 = 0

4 = I

5 = II

6 = III

7 = IV

8 = V

9 = VI

10 = VII

11 = VIII

12 = IX

13 = X

★ 19. DISEASE REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

BACTERIAL DISEASES:

★

☒ 2Bacterial Pustule (*Xanthomonas phaseoli* var. *sojensis*)

★

☐ 0Bacterial Blight (*Pseudomonas glycinea*)

★

☐ 0Wildfire (*Pseudomonas tabaci*)

FUNGAL DISEASES:

★

☒ 1Brown Spot (*Septoria glycines*)Frogeye Leaf Spot (*Cercospora sojina*)

★

☐

Race 1

☐

Race 2

☐

Race 3

☐

Race 4

☐

Race 5

☒ 2

Other (Specify)

RACE NOT DETERMINED☐ 0Target Spot (*Corynespora cassiicola*)☐ 0Downy Mildew (*Peronospora trifoliorum* var. *manshurica*)☐ 0Powdery Mildew (*Microsphaera diffusa*)

★

☐ 0Brown Stem Rot (*Cephalosporium gregatum*)☒ 2Stem Canker (*Diaporthe phaseolorum* var. *caulivora*)

19. DISEASE REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant) (Continued)

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FUNGAL DISEASES: (Continued)

- ★ ☐ 0 Pod and Stem Blight (*Diaporthe phaseolorum* var. *sojae*)
☐ 0 Purple Seed Stain (*Cercospora kikuchii*)
☐ 0 Rhizoctonia Root Rot (*Rhizoctonia solani*)
Phytophthora Rot (*Phytophthora megasperma* var. *sojae*)
★ ☐ 2 Race 1 ☐ 2 Race 2 ☐ 1 Race 3 ☐ 1 Race 4 ☐ 0 Race 5 ☐ 0 Race 6 ☐ 1 Race 7
☐ 0 Race 8 ☐ 0 Race 9 ☐ 1 Other (Specify) RACE 16, RACE 12

VIRAL DISEASES:

- ☐ 0 Bud Blight (Tobacco Ringspot Virus)
☐ 0 Yellow Mosaic (Bean Yellow Mosaic Virus)
★ ☐ 0 Cowpea Mosaic (Cowpea Chlorotic Virus)
☐ 0 Pod Mottle (Bean Pod Mottle Virus)
★ ☐ 0 Seed Mottle (Soybean Mosaic Virus)

NEMATODE DISEASES:

- Soybean Cyst Nematode (*Heterodera glycines*)
★ ☐ 0 Race 1 ☐ 0 Race 2 ☐ 0 Race 3 ☐ 0 Race 4 ☐ 1 Other (Specify) RACE 9, RACE 14
☐ 0 Lance Nematode (*Hoplolaimus Colombus*)
★ ☐ 1 Southern Root Knot Nematode (*Meloidogyne incognita*)
★ ☐ 0 Northern Root Knot Nematode (*Meloidogyne Hapla*)
☐ 1 Peanut Root Knot Nematode (*Meloidogyne arenaria*)
☐ 0 Reniform Nematode (*Rotylenchulus reniformis*)
☐ 1 OTHER DISEASE NOT ON FORM (Specify): M. javanica

20. PHYSIOLOGICAL RESPONSES: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

- ★ ☐ 0 Iron Chlorosis on Calcareous Soil
☐ 0 Other (Specify) _____

21. INSECT REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

- ☐ 0 Mexican Bean Beetle (*Epilachna varivestis*)
☐ 0 Potato Leaf Hopper (*Empoasca fabae*)
☐ Other (Specify) _____

22. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED.

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant Shape		Seed Coat Luster	
Leaf Shape		Seed Size	
Leaf Color		Seed Shape	
Leaf Size		Seedling Pigmentation	

23. GIVE DATA FOR SUBMITTED AND SIMILAR STANDARD VARIETY: Paired Comparison Data

9200208

VARIETY	NO. OF DAYS MATURITY	PLANT LODGING SCORE	CM PLANT HEIGHT	LEAFLET SIZE		SEED CONTENT		SEED SIZE G/100 SEEDS	NO. SEEDS/ POD
				CM Width	CM Length	% Protein	% Oil		
H5088 Submitted	129	1.7	61			41.1	23.2	13.9	3-4
HUTCHESON Name of Similar Variety	127	1.1	56			41.0	23.9	15.4	2-3

PUBLICATIONS USEFUL AS REFERENCE AIDS FOR COMPLETING THIS FORM:

1. Caldwell, B.E., ed. 1973. Soybeans: Improvement, Production, and Uses. Amer. Soc. Agron. Monograph No. 16.
2. Buttery, B.R. and R.I. Buzzell. 1968. Peroxidase activity in seeds of soybean varieties. Crop Sci., 8: 722-725.
3. Hymowitz, T. 1973. Electrophoretic analysis of SBTI-A₂ in the USDA soybean germplasm collection. Crop Sci., 13: 420-421.
4. Payne, R.C. and L.F. Morris. 1976. Differentiation of soybean cultivars by seedling pigmentation patterns. J. Seed Technol. 1: 1-19.

EXHIBIT E

H5088

BASIS OF APPLICANTS OWNERSHIP

Jacob Hartz Seed Company, Incorporated, Stuttgart, Arkansas established a Plant Breeding Program in 1972 for the purpose of developing, releasing, and maintaining stocks of soybean varieties developed by its Plant Breeding Program.

Dr. Curtis Williams, Plant Breeder, was licensed to breed soybeans by the Arkansas State Plant Board, December 9, 1977. Dr. Williams and co-workers developed and tested this variety in trials at Stuttgart, Arkansas, and outlying locations.

On April 23, 1983, Jacob Hartz Seed Company, Inc., was purchased by HybriTech Seed International, Inc., a wholly owned subsidiary of Monsanto, St. Louis, Missouri. Jacob Hartz Seed Company, Inc., was originally incorporated in 1948 in the state of Arkansas. In 1984 Jacob Hartz Seed Company, Inc., merged with the Monsanto-West Africa, Inc., a Delaware Corporation. Jacob Hartz Seed Company, Inc., is the present name of the merged corporation which is a Delaware corporation.

Dr. Curtis Williams is employed by Jacob Hartz Seed Company, Inc. By agreement between employee and Jacob Hartz Seed Company, Inc., all rights to any discovery, development or invention made by an employee are assigned to the company. No rights to the development of this variety are retained by the employee.